

EXECUTIVE OFFICER SUMMARY REPORT
May 11, 2005

ITEM: 10

SUBJECT: Cleanup and Abatement of pollution from discharges of urban runoff to Aliso Creek. The Board will consider rescission of the Cleanup and Abatement Order No. 99-211 requiring the County of Orange, Orange County Flood Control District, and City of Laguna Niguel to cleanup waste and abate existing and threatened pollution. (Tentative Order No. R9-2005-132) (Jeremy Haas)

PURPOSE: The Board will consider a Tentative Order to rescind the Cleanup and Abatement Order.

PUBLIC NOTICE: The Agenda notice for the May 11, 2005, Regional Board meeting serves as the public notice for this item.

DISCUSSION: The County of Orange and City of Laguna Niguel have requested that CAO No. 99-211 be rescinded. On March 22, 2005 the Regional Board notified interested persons of the request to rescind Order No. 99-211 and accepted written comments for 30 days. Four written comments were received during the comment period. Copies of the comments and responses will be provided in the supplemental mailing.

KEY ISSUE: The directives of CAO No. 99-211 are now redundant because of other Regional Board actions. CAO No. 99-211 was issued in December 1999 for discharges of waste with high fecal coliform bacteria from municipal storm drain outfall "J03P02" into Sulphur Creek, a tributary to Aliso Creek. Subsequent to the issuance of the CAO, the Regional Board required, pursuant to CWC §13225, that all municipalities in the Aliso Creek watershed monitor the largest storm drain outfalls and receiving waters and implement management measures to reduce the discharges of bacteria. The J03P02 storm drain has been monitored extensively under that action, and a significant amount of water quality data has been collected and reviewed.

Subsequently, the Regional Board adopted the 3rd-term Municipal Storm Water NPDES Permit (Order No. R9-2002-01) that required significant improvements in each municipality's storm water program, particularly with respect to monitoring and regulating land-use

activities. As a result, the NPDES Permit provides the Regional Board with sufficient enforcement capability to require continued iteration of management measures to reduce discharges of waste from the municipal storm drain system.

LEGAL CONCERNS: NONE

SUPPORTING
DOCUMENTS:

1. Map of the affected area
2. Tentative Order No. R9-2005-132
3. Request from the Permittees to rescind CAO 99-211
4. Cleanup and Abatement Order No. 99-211
5. Notice that Regional Board is accepting comments on the matter.

COMPLIANCE: The County of Orange, Orange County Flood Control District, and City of Laguna Niguel have complied with the directives of the Order, but discharges often exceed the REC-2 water quality objective.

RECOMMENDATION: Adoption of Tentative Order No. R9-2005-132 is recommended.